

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: David T. Chen et al.
Serial No.: 10/775,754
Filed: 02/10/2004
For: Video-Based Surgical Targeting System
Group art unit: 3768
Examiner: William C. Jung
Attorneys Docket No.: MMS-25 CON

Commissioner of Patents
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

On information and belief, M2S, Inc., (hereinafter "M2S") is an owner of record of an undivided interest in the above-identified application, which is a continuation of prior U.S. Patent Application Serial No. 10/104,256, filed 03/21/2002 by David T. Chen et al. for VIDEO-BASED SURGICAL TARGETING SYSTEM (now U.S. PATENT No. 6,690,960), which in turn (1) is a continuation-in-part of prior U.S. Patent Application Serial No. 09/746,992, filed 12/21/2000 by David T. Chen et al. for VIDEO-BASED SURGICAL TARGETING SYSTEM (now U.S. Patent No. 6,675,032). U.S. Patent No. 6,675,032 issued on an application which was a continuation of a prior application Ser. No. 08/320,502, filed 10/07/1994 that issued as U.S. Patent No. 5,765,561.

M2S is an owner of record of an undivided interest in said U.S. Patent No. 6,690,960 and is the owner of 100% interest in said U.S. Patent No. 6,675,032 by virtue of M2S having 100% ownership of said U.S. Patent No. 5,765,561 via mesne assignments that included ownership of all patent applications that are continuations of the application that issued as U.S. Patent No. 5,765,561.

The ownership interests of M2S in said above-identified application Ser. Nos. 10/775,754 and said U.S. Patents Nos. 5,765,561, 6,675,032 and 6,690,960 is

evidenced by the Patent Assignment Abstract of Titles of said U.S. Patents Nos. 5,765,561 and 6,690,960 submitted attached hereto.

M2S hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the said above-identified application Ser. No. 10/775,754 which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of said U.S. Patents Nos. 6,675,032 and 6,690,960.

M2S hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and said U.S. Patents Nos. 6,675,032 and 6,690,960 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, and his or its successors or assigns.

In making the above disclaimer, M2S does not disclaim the terminal part of any patent granted on the instant above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of said U.S. Patents Nos. 6,675,032 and 6,690,960 in the event that either or both of said U.S. Patents Nos. 6,675,032 and 6,690,960 should expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

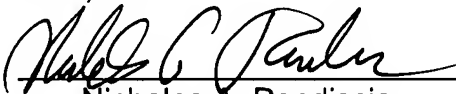
A check for \$65.00 in payment of the statutory disclaimer fee is submitted herewith. If any additional fees are required to be paid in connection with this disclaimer, please charge the same to Deposit Account No. 16-0221.

The undersigned person is attorney for said above-identified owner M2S and is authorized to execute this disclaimer on behalf of said owner.

I hereby declare and state that all statements made herein of my own knowledge are true and that all statements made on information and belief are

believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: Oct 5, 2007

M2S, Inc.
By: 
Nicholas A. Pandiscio

Title: Attorney for M2S, Inc.

MMS-25 CON Term. Dis.



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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 4**Patent #:** 5765561 **Issue Dt:** 06/16/1998 **Application #:** 08320502 **Filing Dt:** 10/07/1994**Inventors:** DAVID T. CHEN, STEVEN D. PIEPER, MICHAEL A. MCKENNA**Title:** VIDEO-BASED SURGICAL TARGETING SYSTEM**Assignment: 1****Reel/Frame:** 007394/0476**Recorded:** 03/24/1995**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** CHEN, DAVID T.**Exec Dt:** 02/15/1995PIEPER, STEVEN D.**Exec Dt:** 02/15/1995MCKENNA, MICHAEL A.**Exec Dt:** 02/15/1995**Assignee:** MEDICAL MEDIA SYSTEMS

79 EAST WILDER ROAD

WEST LEBANON, NH 03784

NEW HAMPSHIRE

Correspondent: MARK J. PANDISCIO
PANDISCIO & PANDISCIO
470 TOTTEN POND ROAD
WALTHAM, MA 02154**Assignment: 2****Reel/Frame:** 009367/0774**Recorded:** 07/28/1998**Pages:** 30**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** TOMSIE, TAIL A. CHAPTER 7 TRUSTEE OF
INTERACT MEDICAL TECHNOLOGIES
CORPORATION**Exec Dt:** 06/17/1998**Assignee:** A-VIEW CORPORATION

79 EAST WILDER ROAD

WEST LEBANON, NEW HAMPSHIRE 03774

Correspondent: PANDISCIO & PANDISCIO
MARK J. PANDISCIO

470 TOTTEN POND ROAD
WALTHAM, MA 02451

Assignment: 3**Reel/Frame:** 012322/0162**Recorded:** 11/29/2001**Pages:** 4**Conveyance:** SECURITY AGREEMENT**Assignor:** MEDICAL MEDIA SYSTEMS, INC.**Exec Dt:** 10/18/2001**Assignee:** LEDYARD NATIONAL BANK

COMMERCIAL LENDING

38 SOUTH MAIN STREET

HANOVER, NEW HAMPSHIRE 03755

Correspondent: COMMERCIAL LENDING LEDYARD NATIONAL BANK

DANIEL C. YATES

38 SOUTH MAIN STREET

HANOVER, NH 03755

Assignment: 4**Reel/Frame:** 019047/0698**Recorded:** 03/06/2007**Pages:** 3**Conveyance:** CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).**Assignor:** M2S, INC.**Exec Dt:** 03/01/2007**Assignee:** LEDYARD NATIONAL BANK

COMMERCIAL LENDING

38 SOUTH MAIN ST.

HANOVER, NEW HAMPSHIRE 03755

Correspondent: MICHAEL SANDOE

COMMERCIAL LENDING

LEDYARD NATIONAL BANK

38 SOUTH MAIN STREET

HANOVER, NH 03755

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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications. For pending abandoned applications please consult USPTO staff.

Total Assignments: 1**Patent #:** [6690960](#) **Issue Dt:** 02/10/2004 **Application #:** 10104256 **Filing Dt:** 03/**Publication #:** [20030029464](#) **Pub Dt:** 02/13/2003**Inventors:** David T. Chen, Steven D. Pieper, Michael A. McKenna**Title:** VIDEO-BASED SURGICAL TARGETING SYSTEM**Assignment: 1****Reel/Frame:** [016902/0485](#)**Recorded:** 08/22/2005**Pages:****Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** [CHEN, DAVID T.](#)**Exec Dt:** 07/26/2005**Assignee:** [MEDICAL METRX SOLUTIONS, INC.](#)

12 COMMERCE AVENUE

WEST LEBANON, NEW HAMPSHIRE 03784

Correspondent: MARK J. PANDISCIO

PANDISCIO & PANDISCIO, P.C.

470 TOTTEN POND ROAD

WALTHAM, MA 02451

Search Results as of: 10/05/2007

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-273-0900
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECEMBER 16, 2005

PTAS



103067849A

MARK J. PANDISCIO
PANDISCIO & PANDISCIO, P.C.
470 TOTTEN POND ROAD
WALTHAM, MA 02451

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 08/22/2005

REEL/FRAME: 016902/0485
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CHEN, DAVID T.

DOC DATE: 07/26/2005

ASSIGNEE:

MEDICAL METRX SOLUTIONS, INC.
12 COMMERCE AVENUE
WEST LEBANON, NEW HAMPSHIRE 03784

SERIAL NUMBER: 10104256

FILING DATE: 03/21/2002

PATENT NUMBER: 6690960

ISSUE DATE: 02/10/2004

TITLE: VIDEO-BASED SURGICAL TARGETING SYSTEM

VIOLET MCCOY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)

David T. Chen

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s) 07/26/2005

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Joint Research Agreement
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other _____

2. Name and address of receiving party(ies)

Name: Medical Metrx Solutions, Inc.

Internal Address: _____

Street Address: 12 Commerce Avenue

City: West Lebanon

State: NH

Country: USA Zip: 03784

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

6,690,960 (Application No. 10/104,256)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Mark J. Pandiscio

Internal Address: Pandiscio & Pandiscio, P.C.

Street Address: 470 Totten Pond Road

City: Waltham

State: MA Zip: 02451

Phone Number: (781) 290-0060

Fax Number: (781) 290-4840

Email Address: mail@pandisciolaw.com

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) \$40.00

- ☐ Authorized to be charged by credit card
☒ Authorized to be charged to deposit account (any deficiencies)
☒ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number 16-0221

Authorized User Name _____

9. Signature:



Signature

08/19/2005

Date

Margaret M. Slezak
Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

4

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, V.A. 22313-1450

ASSIGNMENT

We, David T. Chen of 2045 West Street, Wrentham, MA 02093,
Steven D. Pieper of Gove Hill Road, Thetford Center, VT 05075
and Michael A. McKenna of 232 Broadway, Cambridge, MA 02139,
having invented improvements in VIDEO-BASED SURGICAL TARGETING
SYSTEM, and having executed an application for United States
patent describing the same and based thereon (and we hereby
authorize our attorney(s), authorized to prosecute said
application, to here insert the filing date and serial number of
said application, when known, Serial No. 10/104,256, filed
02/10/2004), for good and valuable consideration, receipt of
which is hereby acknowledged from Medical Metrx Solutions, Inc.,
a Delaware corporation having a place of business at 12 Commerce
Avenue, West Lebanon, NH 03784, hereinafter called the Assignee
(which term shall include its successors and assigns), do hereby
sell, assign and transfer unto the Assignee our entire right,
title, and interest, in and throughout the United States of
America (including its territories and dependencies) and all
countries foreign thereto, in and to and under said application
(which term shall include hereinafter where the context so
admits ~~all divisional, continuing, reissue and other patent~~
applications based thereon) and the inventions (which term shall
include each and every such invention, or any part thereof)
therein described, and any and all patents and like rights of
exclusion (including extensions thereof) of any country which
may be granted on or for said inventions or on said application.

And for the same consideration we do also hereby sell,
assign and transfer unto the Assignee all our rights under the
International Convention for the Protection of Industrial
Property and all other treaties of like purpose in respect of
said inventions and said application and we do hereby authorize
the Assignee to apply in our names or its own name for patents
and like rights of exclusion on or for said inventions in all
countries, claiming (if the Assignee so desires) the priority of
the filing date of said application under the provisions of said
Convention or any such other treaty;

And for the same consideration we do hereby jointly and
severally agree for ourselves and for our respective heirs,
executors and administrators, promptly upon request of the
Assignee, to execute and deliver without further compensation
any power of attorney, assignment, original, divisional,
continuing, reissue or other application or applications for
patent or patents or like rights of exclusion of any country, or
other lawful documents and any further assurances that may be

Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham, MA 02451
Tel. (781) 290 0060

MMS-25

deemed necessary or desirable by the Assignee fully to secure to it said right, title, and interest as aforesaid in and to said inventions, application, and said several patents and like rights of exclusion, or any of them, all, however, at the expense of the Assignee;

And we do hereby authorize and request the Commissioner of Patents of the United States of America and the corresponding Officer of each country foreign thereto to issue to the Assignee any and all patents and like rights of exclusion which may be granted in any country upon said application or on or for said inventions;

And we do hereby jointly and severally covenant for ourselves and for our respective legal representatives and agree with the Assignee that we have granted no right or license to make, use or sell said inventions to anyone except the Assignee, that prior to the execution of this deed our right, title and interest in and to said inventions has not been otherwise encumbered by us, and that we have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, we hereunto set our hands and seals on the day and year hereinafter noted.



David T. Chen

Steven D. Pieper

Michael A. McKenna

State of NEW HAMPSHIRE)
County of GRAFTON) ss.

Before me this 26th day of JULY, 2005,
personally appeared David T. Chen, who is to me personally
known, and acknowledged the foregoing instrument to be his/her
free act and deed.

SEAL

Marie K. Martin

NOTARY PUBLIC

MARIE K. MARTIN, Notary Public

My Commission Expires May 21, 2008

My commission expires: _____

State of _____)
County of _____) ss.

Before me this _____ day of _____, 2005,
personally appeared Steven D. Pieper, who is to me personally
known, and acknowledged the foregoing instrument to be his/her
free act and deed.

SEAL

NOTARY PUBLIC

My commission expires: _____

State of _____)
County of _____) ss.

Before me this _____ day of _____, 2005,
personally appeared Michael A. McKenna, who is to me personally
known, and acknowledged the foregoing instrument to be his/her
free act and deed.

SEAL

NOTARY PUBLIC

My commission expires: _____

EC2/MMS25.ASN

Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham, MA 02451
Tel. (781) 290 0060

MMS-25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application: Medical Metrx Solutions, Inc.
Patent No.: 6,690,960
Issue Date: 02/10/2004
For: VIDEO-BASED SURGIAL TARGETING SYSTEM
Attorney's Docket No.: MMS-25

MAIL STOP ASSIGNMENT RECORDATION SERVICES
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Sir:

Enclosed please find a certified Certificate Of Amendment To Certificate Of Incorporation of Medical Metrx Solutions, Inc., changing its name to M2S, Inc.

Also enclosed is a check in the amount of \$40.00 to cover the cost of recording the change of name certificate.

Would you please record the enclosed certificate and forward the Notice of Recordation to the below-signed attorney.

If any additional fees are required in connection with this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

 10/10/07

Nicholas A. Pandiscio
Reg. No. 17,293
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel. (781) 290-0060

RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)

Medical Metrx Solutions, Inc.

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s) July 31, 2006

- ☐ Assignment ☐ Merger
☐ Security Agreement ☒ Change of Name
☐ Joint Research Agreement
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other _____

2. Name and address of receiving party(ies)

Name: M2S, Inc.

Internal Address: _____

Street Address: 12 Commerce Avenue

City: West Lebanon

State: New Hampshire

Country: USA Zip: 03784

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

6,690,960

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Pandiscio & Pandiscio, P.C.

Internal Address: Nicholas A. Pandiscio

Street Address: 470 Totten Pond Road

City: Waltham

State: MA Zip: 02451-1914

Phone Number: (781) 290-0060

Fax Number: (781) 290-4840

Email Address: npandiscio@pandisciolaw.com

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00

- ☐ Authorized to be charged by credit card
☒ Authorized to be charged to deposit account
☒ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____
 Expiration Date _____

b. Deposit Account Number 16-0221

Authorized User Name _____

9. Signature:

Nicholas A. Pandiscio
 Signature

10/10/2007
 Date

Nicholas A. Pandiscio
 Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

4

Delaware

The First State

PAGE 1

COPY

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "MEDICAL METRX SOLUTIONS, INC.", CHANGING ITS NAME FROM "MEDICAL METRX SOLUTIONS, INC." TO "M2S, INC.", FILED IN THIS OFFICE ON THE THIRTY-FIRST DAY OF JULY, A.D. 2006, AT 3:38 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE KENT COUNTY RECORDER OF DEEDS.



2824316 8100

060717379

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 4940798

DATE: 07-31-06

**CERTIFICATE OF AMENDMENT
TO
CERTIFICATE OF INCORPORATION
OF**

MEDICAL METRX SOLUTIONS, INC.

COPY

**Pursuant to Section 242 of the
Delaware General Corporation Law**

Medical Metrx Solutions, Inc. (the "Corporation"), a corporation organized and existing under and by virtue of the provisions of the Delaware General Corporation Law (the "DGCL"),

DOES HEREBY CERTIFY:

FIRST: That the Third Amended and Restated Certificate of Incorporation of the Corporation was filed with the Secretary of State of Delaware on September 30, 2005 (the "Certificate of Incorporation").

SECOND: That the Board of Directors duly adopted resolutions proposing to amend certain provisions of the Certificate of Incorporation of the Corporation, declaring said amendments to be advisable and in the best interests of the Corporation and its stockholders, and authorizing the appropriate officers of this Corporation to solicit the consent of the stockholders therefor, all in accordance with Section 242 of the DGCL.

THIRD: That the sole stockholder of the Corporation has voted to approve such amendments, all in accordance with Sections 228 and 242 of the DGCL.

FOURTH: That the resolutions setting forth the proposed amendments are as follows:

RESOLVED, that the Certificate of Incorporation of the Corporation be amended as follows:

1. That Article ONE, setting forth the name of the Corporation be, and hereby is, deleted and restated in its entirety as follows:

The name of the corporation is M2S, Inc.

2. Every other Article and provision in the Certificate of Incorporation remains in full force and effect.

[Remainder of the page left intentionally blank; signature page follows]

THIS CERTIFICATE OF AMENDMENT TO CERTIFICATE OF INCORPORATION is
executed as of this 26th day of July, 2006.

MEDICAL METRX HOLDINGS, INC.

By: /s/ M. Weston Chapman

Name: M. Weston Chapman

Title: Chief Executive Officer

COPY